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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,423	02/15/2002	Boris Andreyevich Krasnoiarov	2501494-991102	3748

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
SUITE 507
OAKLAND, CA 94611-2802

EXAMINER	
SAIN, GAUTAM	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,423	KRASNOIAROV ET AL.	
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1) This is a Final rejection in response to remarks filed with the RCE on 8/9/2006.

2) Claims 1-84 are pending.

3) Effective filing date is 9/8/2000.

Continued Examination Under 37 CFR 1.114

4) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2006 has been entered.

Claim Rejections - 35 USC § 103

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5-1) Claims 1, 2, 16, 17, 30, 31, 33, 46, 47 and 61-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter "Aapa"), in view of Lowery et al (US 5894554, issued Apr 13, 1999), further in view of Nazem et al (US 5983227, issued 11/99).

Regarding claims 1, 16, 31, 46, Aapa teaches receiving a ... components (ie., portal displays content to user upon user supplying user ID in the request with other data)(page 3, lines 10-21).

Aapa teaches after receiving ... content (ie., call to retrieve CRM content)(page 6, lines 12-20).

Aapa does not teach, but Lowery teaches sending ... information request (ie., multi-threaded ... simultaneous processing)(col 4, lines 40-53)(concurrently processing ...)(col 6, lines 20-32). Lowery teaches a system for creating and managing custom web sites and managing dynamic web page generation requests by routing receiving a request to generate a custom web page by routing the request from the web server to a page server, the page server receiving the request and releasing the web server to process other requests concurrently with the web server processing other request and dynamically generating a web page in response to the request including data dynamically retrieved from one or more data sources (col 2, lines 20-34). While the page server is processing the request, the web server concurrently processes other web requests and simultaneously processing different requests and increasing the efficiency of the web site, in response to the web client request, which is transmitted back to the web client (col 6, lines 20-32).

Aapa teaches forming ... requests ... transmitting ... client (ie., process assembles the retrieved content and sends ... user terminal for display)(col 6, lines 18-24).

Aapa in view of Lowery does not expressly teach the amended portions of the claims, but Nazem does suggest the claims with the amendments (ie., based on request from the user, the server queries various third party data providing servers that get data from these other servers in a parallel manner (fig 2, items 230, 232, 234; col 4, lines 10-20); where user makes selection of stock quote symbols, team scores and weather one after another (col 5, lines 45-48) and the page

generator generates a custom front page with live data displayed to the user, item 210, col 3, line 62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa to include multi-threading for simultaneous/concurrent processing of personal web page content generation as taught by Lowery, providing the benefit of a method for creating personal pages while releasing the Web server to process other requests on one or more data sources in response to request (Lowery, Abstract section), further to include a custom page generator that displays based on user preferences, live data from various sources as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 2, 17, 32 and 47, Aapa teaches single request ... Web pag (ie., portal displays content to user upon user supplying user ID in the request with other data)(page 3, lines 10-21).

Aapa teaches forming ... transmitting ... client (ie., process assembles the retrieved content and sends ... user terminal for display)(col 6, lines 18-24).

Regarding claims 61, 67, 73 and 79, Aapa in view of Lowery does not teach, but Nazem teaches uniquely identifying ... being used (ie., browser with my.yahoo.com, user can log on anywhere at any terminal that is connected to the Internet)(col 2, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources that the user can log onto from anywhere as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 62, 68, 74 and 80, Aapa in view of Lowery does not teach, but Nazem teaches caching ... future request (ie., cache of recently used user template w/ live data stored in local memory)(col 2, lines 2-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources that the caches recently used user templates with live data stored in local memory as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 63, 69, 75 and 81, Aapa in view of Lowery does not teach, but Nazem teaches indexing ... user preferences (ie., user preferences are set for the data to be displayed on the my.yahoo.com page)(col 2, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 64, 70, 76 and 82, Aapa in view of Lowery does not teach, but Nazem teaches retrieving one ... component server (ie., data stored in local ... custom page built without requesting other server)(col 2, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources that the caches recently used user templates with

live data stored in local memory without requesting other sources. as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 65, 71, 77 and 83, Aapa in view of Lowery does not teach, but Nazem teaches at least one of the cached ... to the indexing (ie., access using user configuration with hash of user name)(col 3, lines 40-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources that access using user configuration with hash of user name as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

Regarding claims 66, 72, 78, 84, Aapa in view of Lower does not teach, but Nazem teaches form ... components (ie., custom selection of stock quotes, news, ...)(Abstract section).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Lowery to include a custom page generator that displays based on user preferences, live data from various sources that the caches recently used user templates with live data stored in local memory as taught by Nazem, providing the benefit of a dynamic page generator (Nazem, Title).

5-2) Claims 3, 13-15, 18, 28-30, 33, 43-45, 48 and 58- 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter "Aapa"), in view of Lowery et al (as cited above) and Nazem (as cited above), further in view Greenwood (US 6675212, filed Jun 12, 2000).

Regarding claims 3, 18, 33 and 48, Aapa in view of Lowery and Nazem does not expressly teach, but Greenwood teaches instantiating a timer ... web page (ie., period of time between additional data request)(col 4,lines 17-20).

Aapa in view of Lowery and Nazem does not expressly teach, but Greenwood teaches if no response ... steps of ... immediately ... carrying out ... waiting for that response (ie., user is notified of the failure to obtain the request downloaded; the new instance of the user interface is created to display in the foreground and given active control in step 32 of figure 3A – the task is killed and user is notified of the failure where the user gets displayed a page without the requested downloads and can continue browsing)(col 9, lines 1-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aapa in view of Lowery and Nazem to include killing a requested task once a period of time has elapsed and the user is notified of the unsuccessful attempt and allowed to continue browsing without the requested data as taught by Greenwood, providing the benefit of an system and method for efficient data browsing that allows a user to automatically continue with a data browsing session and automatically receive a requested data file when the requested data file's download is temporarily delayed (Greenwood, col 3, lines 44-48).

Regarding claims 13, 28, 43 and 58, Aapa teaches standard network protocol (ie., content components ... communicable via standard network protocol)(page 3, lines 22-25).

Regarding claims 14, 29, 44 and 59, Aapa teaches Aapa teaches ... HTTP ... (page 3, lines 22-25).

Regarding claims 15, 30, 45 and 60, Aapa in view of Lowery and Nazem does not expressly teach, but Greenwood teaches generating a state machine ... request; and recursively

... information request (ie., system monitors the download process and delivers progress indicators to users of download delays and processes termination request after some time has elapsed)(col 7, lines 29-40; col 9, lines 1-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aapa in view of Lowery and Nazem to a system that monitors a download process and delivers progress indicators to users of downloading delays and processes termination requests after some time has elapsed as taught by Greenwood, providing the benefit of an system and method for efficient data browsing that allows a user to automatically continue with a data browsing session and automatically receive a requested data file when the requested data file's download is temporarily delayed (Greenwood, col 3, lines 44-48).

5-3) Claims 4-12, 19-27, 34-42 and 49-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter "Aapa"), in view of Lowery et al (as cited above) and Nazem (as cited above), further in view of Greenwood (as cited above), further in view of Anuff et al (US 6327628, filed May 19, 2000).

Regarding claims 4, 19, 34 and 49, Aapa in view of Lowery, Nazem and Greenwood does not expressly teach, but Anuff teaches "converting ... format" (ie., different platforms ... JSP or ASP ;Portal server allows for JSP, ASP using the same JAVA libraries)(col 2, lines 60-67)(Manager and services ... configuration ... data driven resolution ... runtime resolution)(col 4, line 16 – col 5, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aapa in view of Lowery, Nazem, Greenwood to include a method to deal different platforms with data driven resolution as taught by Anuff, providing the benefit of a portal server

that enables various resources to be controlled by the independent entities without affecting the portal, where individual businesses and other entities can exercise complete ownership of their portals, ... (Anuff, Abstract section).

Regarding claims 5, 20, 35 and 50, Aapa in view of Lowery, Nazem and Greenwood does not expressly teach, but Anuff teaches "common ... markup language" (ie., code generated by the portal server in HTML – where converted data is presented in a common layout/sytle...)(col 4, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aapa in view of Lowery, Nazem and Greenwood to include a method to deal different platforms with data driven resolution on a HTML based platform as taught by Anuff, providing the benefit of a portal server that enables various resources to be controlled by the independent entities without affecting the portal, where individual businesses and other entities can exercise complete ownership of their portals, ... (Anuff, Abstract section).

Regarding claims 6, 21, 36 and 51, Aapa in view of Nazem, Greenwood and Anuff does not expressly teach, but Lowery teaches "coverting ... servers" (ie., page servers incorporates data from multiple data sources into single page, which resides on a separate machine responsible for maintaining a connection cache for serving those specific components to the client and these are processed on different servers than the web server)(col 5, lines 40-65; lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Aapa in view of Greenwood and Anuff to include data is incorporated from multiple data sources into a single page as taught by Lowery, providing the benefit of a method

for creating personal pages while releasing the Web server to process other requests on one or more data sources in response to request (Lowery, Abstract section).

Regarding claims 7, 22, 37 and 52, Aapa in view of Lowery, Nazem and Greenwood does not expressly teach, but Anuff teaches converting step ... user terminal (ie., different platforms ... JSP or ASP ;Portal server allows for JSP, ASP using the same JAVA libraries)(col 2, lines 60-67)(Manager and services ... configuration ... data driven resolution ... runtime resolution)(col 4, line 16 – col 5, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aapa in view of Lowery, Nazem and Greenwood to include a method to deal different platforms with data driven resolution at the main server during runtime as taught by Anuff, providing the benefit of a portal server that enables various resources to be controlled by the independent entities without affecting the portal, where individual businesses and other entities can exercise complete ownership of their portals, ... (Anuff, Abstract section).

Regarding claims 8, 23, 38 and 53, Aapa teaches corporate portal server (ie., corporate portals)(page 2, lines 20-30).

Regarding claims 9, 24, 39 and 54, Aapa teaches Internet portal server (ie., personalized "web portals")(page 2, lines 20-30)(Internet)(col 5, line 2).

Regarding claims 10, 25, 40 and 55, Aapa teaches "each of the ... physically separate ... protocol" (ie., weather server 202 is separate from the News server 206 and connected on the standard network protocol)(page 4, lines 23-30; fig 2, items 202-206, 220).

Regarding claims 11, 26, 41 and 56, Aapa teaches ... HTTP ... (page 3, lines 22-25).

Regarding claims 12, 27, 42 and 57, Aapa teaches first component server ... management servers (ie., email server)(page 5, lines 10-15)(CRM ... email)(page 6, lines 12-20).

Response to Arguments

Applicant's arguments filed 1/13/06 have been fully considered but they are not persuasive.

Regarding independent claim 1, **Applicant argues that the references AAPA, Lowery and Nazem do not teach or suggest the limitations of claim 1, to retrieve the data from the component server after a request for a personalized page, nor to generate multiple requests for the content components as parallel worker threads spawned from a main execution thread, thereby permitting concurrent generation of the content components at the component servers, whereby the retrieving by parallel worker threads greatly reduces delays in a serial processing environment** (see Remarks, page 2, bottom – page 5). The examiner disagrees because Lowery teaches a system for creating and managing custom web sites and managing dynamic web page generation requests by routing receiving a request to generate a custom web page by routing the request from the web server to a page server, the page server receiving the request and releasing the web server to process other requests concurrently with the web server processing other request and dynamically generating a web page in response to the request including data dynamically retrieved from one or more data sources (col 2, lines 20-34). While the page server is processing the request, the web server concurrently processes other web requests and simultaneously processing different requests and increasing the efficiency of the web site, in response to the web client request, which is transmitted back to the web client (col 6, lines 20-32). Additionally, Lowery discloses a page server that can

concurrently process web client requests to simultaneously process different requests, whereby a page server dynamically generates a web page in response the web client request (col 6, lines 20-32). This can be seen in Fig 4, where the page servers (404(1)-(n) connect with disperate data sources (406-410) to obtain data which is later sent back to the requesting web client. In fact, page server 404(1) sends more than 1 request, one to data source 406 and a second request to data source 408 concurrently. The web page is then either transmitted back to requesting web client 200 or stored on a machine that is accessible to Web server 201, for later retrieval (this corresponds to applicant's claims for caching)(col 6, lines 29-32; lines 56-59). The motivation to do concurrent processing is found in Lowery itself for increasing the efficiency of the web site (col 6, line 27).

Additionally, regarding claim 1, Applicant argues that Nazem teaches away from retrieving the data after receiving a request from a client (page 3, bottom). The examiner disagrees because Nazem teaches this only in a limited capacity to deal with the situation if the stored web information is as current as the live data so the system will not have to re-fetch the same data and use the data in the existing data store. Nazem does not say anything to preclude fetching more current data than the data that exists in the data store. Nazem does teach about customized web page where information is derived from disparate data sources. Nazem's discussion about recover after a page server crash is only to deal with the exceptional situation of the page server crashing and the system maintaining a backup in the cash so the user is provided with some default page rather than an undesirable error page. Nazem is not read to be limited to error recovery situations.

Applicant argues on page 4 that Nazem does not teach parallel worker threads spawned from a main execution thread. Examiner asserts that Nazem in view of does Lowery does teach this. Specifically, Lowery discloses a page server that can concurrently process web client requests to simultaneously process different requests, whereby a page server dynamically generates a web page in response the web client request (col 6, lines 20-32). This can be seen in Fig 4, where the page servers (404(1)-(n) connect with disperate data sources (406-410) to obtain data which is later sent back to the requesting web client. In fact, page server 404(1) sends more than 1 request, one to data source 406 and a second request to data source 408 concurrently. The web page is then either transmitted back to requesting web client 200 or stored on a machine that is accessible to Web server 201, for later retrieval (this corresponds to applicant's claims for caching)(col 6, lines 29-32; lines 56-59).

Applicant fails to distinguish the inventive features in the disclosure from the prior art of record. Applicant's Summary section talks about overcoming the approach of the sequential execution of the retrieval process (bottom of page 6), however, the prior art of record (Nazem in view of Lowery) does disclose (or at least suggest) a cure for this need (see Lowery, col 5, lines 38-40; col 6, lines 20-32). With the broadest reasonable interpretation of the claim language for "parallel", the examiner interprets the language of Lowery, "concurrently" or "simultaneously" as functional equivalent. Applicant's arguments focus on Nazem's lack of teaching parallel processing, but do not specifically address Lowery's teaching of this limitation.

Regarding claim 3, **Applicant argues (on pages 5-6) that Greenwood does not teach instantiating a timer and forming the personalized network page and transmitting the personalized network page to the client without waiting for that response**. The examiner

disagrees because Greenwood teaches a user that is notified of the failure to obtain the request downloaded; the new instance of the user interface is created to display in the foreground and given active control in step 32 of figure 3A – the task is killed and user is notified of the failure where the user gets displayed a page without the requested downloads and can continue browsing)(col 9, lines 1-35). Greenwood teaches browsing which is functionally equivalent to the user of the user of the claimed personalized network page because when a user is using a personalized network page, they are browsing on the Internet and may want to use a customized web page for their work (ie., like the one taught by yahoo) and would benefit from having a user notified of the failure to obtain the requested information on their personalized network page on their custom page.

Regarding claims 4-12, 19-27, 34-42 and 49-57, the **Applicant argues against the rejections under AAPA in view of Lowery, Nazem, Greenwood and further in view of Anuff for the same reasons as described in the arguments against Nazem and Greenwood** (see Remarks, page 6, bottom). The Examiner disagrees and maintains the rejections for claims 4-12, 19-27, 34-42 and 49-57 for the reasons stated above in the rejections.

Conclusion

This is a continuation of applicant's earlier Application No. 10077423. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GS 9/30/06

Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100